

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing modifications to the text of section 318.1. This regulatory proposal was the subject of a hearing on February 24, 2009. A copy of the modified text is enclosed and is also available on the board's web site at www.chiro.ca.gov. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before April 16, 2009, to the following:

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Dated: _____

04/01/09



Brian J. Stiger, Executive Officer
Board of Chiropractic Examiners

Board of Chiropractic Examiners
Modified Proposed Regulatory Language for MUA

Modified Text: Additions to the originally proposed language are shown in italics for new text and deletions to the originally proposed language are shown by a strikeout.

Section 318.1 is hereby added to Title 16, Division 4, Article 2 of the California Code of Regulations:

318.1 Standard of Care re Manipulation Under Anesthesia (MUA)

(a) MUA may only be performed in a hospital or ambulatory surgery center that is licensed by the California Department of Public Health, Bureau of Hospital Licensing and Certification or a hospital or in an ambulatory surgery center operating pursuant to Section 1248.1 of the Health and Safety Code or that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the American Association for Accreditation of Ambulatory Surgery, the Accreditation Association for Ambulatory Health Care, Medicare, Det Norske Veritas Healthcare Incorporated, or the Institute for Medical Quality. If any of the above named organizations changes its name the Board shall continue to recognize the organization. an agency approved by the Medical Board of California pursuant to Chapter 1.3 of Division 2 of the Health and safety Code (commencing with Section 1248).

(b) Anesthesia may only be administered, following an appropriate prior examination, by a California licensed physician and surgeon trained and competent to administer anesthesia safely, or other health care provider authorized under California law to administer anesthesia. The chiropractor may not direct, instruct, interfere, or make any orders to the physician and surgeon, or other health care provider who is administering and maintaining the anesthesia.

(c) MUA shall be performed by two chiropractors trained and competent to safely perform MUA. The "primary chiropractor" shall formulate the chiropractic portion of the MUA treatment plan and shall be responsible for performing the chiropractic manipulation for that procedure. The "second chiropractor" shall insure that all movements are accomplished with patient care and safety as his or her primary focus and shall assist the "primary chiropractor" when necessary. The chiropractic portion of MUA is limited to techniques within the scope of practice of a chiropractor.

(d) For the purpose of this section, the primary chiropractor and the second chiropractor may not be involved in nor interfere with the physician and surgeon or other health care provider in the discharge of the patient following the MUA procedure.

(e) Failure to follow the standard of care contained in this section when performing MUA shall constitute unprofessional conduct.

(f) MUA means the manipulation of a patient who is sedated by the administration of anesthesia by a physician and surgeon or other health care provider who is legally authorized to administer anesthesia.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii. Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.